

Message

From: Gettle, Jeaneanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D8E72AA7E1894FAEA44006FD9F22B637-GETTLE, JEANEANNE]
Sent: 11/18/2020 6:28:13 PM
To: Zimmerman, Eve [Zimmerman.Eve@epa.gov]
Subject: RE: Miccosukee Annual Meeting

Good deal

From: Zimmerman, Eve <Zimmerman.Eve@epa.gov>
Sent: Wednesday, November 18, 2020 1:27 PM
To: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Subject: RE: Miccosukee Annual Meeting

Generally, the discussions have been very constructive and positive.

Eve M. Zimmerman
Water Quality Standards Section
Water Division
Region 4 Environmental Protection Agency
61 Forsyth Street
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Phone No. 404 562 9259

From: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Sent: Wednesday, November 18, 2020 1:25 PM
To: Zimmerman, Eve <Zimmerman.Eve@epa.gov>
Cc: McGill, Thomas <McGill.Thomas@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Bouma, Stacey <Bouma.Stacey@epa.gov>; Able, Tony <Able.Tony@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Pugh, Katherine <Pugh.Katherine@epa.gov>
Subject: RE: Miccosukee Annual Meeting

Thanks Eve – we will hopefully be able to address that for them.

jmg

From: Zimmerman, Eve <Zimmerman.Eve@epa.gov>
Sent: Wednesday, November 18, 2020 1:20 PM
To: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Cc: McGill, Thomas <McGill.Thomas@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Bouma, Stacey <Bouma.Stacey@epa.gov>; Able, Tony <Able.Tony@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Pugh, Katherine <Pugh.Katherine@epa.gov>
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I heard a very different message from the Tribe. Consultation was not the issue. The issue is who decides if WCA-3A is Indian Country.

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From: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Sent: Wednesday, November 18, 2020 12:41 PM
To: Zimmerman, Eve <Zimmerman.Eve@epa.gov>
Cc: McGill, Thomas <Mcgill.Thomas@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Bouma, Stacey <Bouma.Stacey@epa.gov>; Able, Tony <Able.Tony@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Pugh, Katherine <Pugh.Katherine@epa.gov>
Subject: RE: Miccosukee Annual Meeting

Tom – please include language in the bullets on how we will treat this land under assumption.

jmg

From: Zimmerman, Eve <Zimmerman.Eve@epa.gov>
Sent: Wednesday, November 18, 2020 12:40 PM
To: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Cc: McGill, Thomas <Mcgill.Thomas@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Bouma, Stacey <Bouma.Stacey@epa.gov>; Able, Tony <Able.Tony@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Pugh, Katherine <Pugh.Katherine@epa.gov>
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WCA-3A is 189,000 acre tract east of the Federal Reservation. The Tribe received perpetual lease for hunting and fishing rights from the State of Florida in exchange for the right of way of the I-75. The following information for the tract was contained in the 1994 TAS application.

C. The Leased Area

The Tribe maintains a proprietary interest in 189,000 acres of land located north of Tamiami Trail and east and south of the Miccosukee Federal Indian Reservation. The Tribe, which has used and resided in this area for generations, holds this tract as lessee under a perpetual lease from the State of Florida. For this reason, this land is typically referred to as the Leased Area. The Leased Area is wholly within WCA 3A South.

The lease affords numerous rights to the Tribe and its members, including the exclusive rights to commercial airboating; rights to hunt and fish in the Leased Area; rights to reside in the Leased Area, including the construction of traditional homes; rights to carry on traditional subsistence agriculture; rights to harvest native materials for cultural purposes; and rights to carry on religious activities in the Leased Area.

The Settlement Act⁸ approved prior transfers and extinguishment of claims regarding the Tribe's aboriginal rights to

⁵ Pub. L. No. 100-497, §20(b)(3); 25 U.S.C. §2719(b)(3).

⁶ Pub. L. No. 73-267, §3; 16 U.S.C. §410(b).

⁷ Special Use Permit issued to the Miccosukee Tribe of Indians of Florida, dated January 1, 1973, approved by the Secretary of the Interior on February 1, 1973, and accepted by the Tribe on February 27, 1973, condition no. 16.

⁸ Pub. L. No. 97-399; 25 U.S.C. §§1741-1749.

lands within the State of Florida except for certain "excepted interests" delineated in paragraph 3c of the Settlement Agreement executed April 16, 1982 between the Tribe and the State of Florida (hereinafter "Settlement Agreement"). Other than the Krome Avenue Reservation, the Settlement Agreement and Settlement Act recognize as "excepted interests" all of the Tribe's lands described above. Therefore, under 25 U.S.C. §1744(b)(1), the Tribe maintains aboriginal right, title, interest, and claim to those lands defined as "excepted interests" as well as to their natural resources.3).

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From: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Sent: Wednesday, November 18, 2020 11:56 AM
To: Zimmerman, Eve <Zimmerman.Eve@epa.gov>
Cc: McGill, Thomas <Mcgill.Thomas@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Bouma, Stacey <Bouma.Stacey@epa.gov>; Able, Tony <Able.Tony@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Pugh, Katherine <Pugh.Katherine@epa.gov>
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What is WCA-3?

From: Zimmerman, Eve <Zimmerman.Eve@epa.gov>
Sent: Wednesday, November 18, 2020 11:04 AM
To: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Cc: McGill, Thomas <Mcgill.Thomas@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Bouma, Stacey <Bouma.Stacey@epa.gov>; Able, Tony <Able.Tony@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Pugh, Katherine <Pugh.Katherine@epa.gov>
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During the COE presentation this morning, Jeanine Bennett, the Tribe's attorney, asked the COE presenter if WCA-3 was considered "Indian Country". The COE said they do not make that determination. It was an EPA determination. The Tribe said that EPA said during the consultation call that the determination was a COE determination. Jeanine voiced frustration with being bounced between the COE and EPA. The Tribe may bring up this issue this afternoon during your presentation.

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